

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 30, 2001**

## DIVISION ONE

B137279 Los Angeles County, D.C.F.S. (Not for Publication)  
B138732 v.  
Hamid Z.

The orders under review are affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B141959 People (Not for Publication)  
v.  
Downey

The abstract of judgment is corrected to reflect that defendant was convicted on count 1 of violating Penal Code section 288a, subdivision (c)(2). As corrected, the judgment is affirmed. The trial court is ordered to forward a copy of the corrected abstract of judgment to the Department of Corrections.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

January 30, 2001-Continued

## DIVISION ONE (Continued)

B139887      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Winter W.

The orders under review are affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

[illegible]

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

January 30, 2001-Continued

## DIVISION ONE (Continued)

B140039 People (Not for Publication)  
v.  
Flores

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B137019 People (Not for Publication)  
v.  
Jamerson

The judgment of conviction is affirmed. The sentence is vacated and the cause is remanded to the trial court to reconsider defendant's request to dismiss one of his "strike" prior convictions in furtherance of justice.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B135388      Ventura-Taft Partners, L.P., et al.      (Not for Publication)  
v.  
N.U. Pizza Holding Corporation

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B142744      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Kathleen M.

The order is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                 Mallano, J.

B141290      Rodas, etc.      (Not for Publication)  
                 v.  
                 Spiegel et al.

The order of dismissal is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                 Mallano, J.

B133262      Hill et al.      (Not for Publication)  
                 v.  
                 State Farm Mutual Automobile Insurance Co., et al.

The judgment of dismissal is reversed. Appellants are entitled to costs of appeal.

Mallano, J.

I concur:      Spencer, P.J.  
I dissent:      Ortega, J. (Opinion)

January 30, 2001-Continued

## DIVISION ONE (Continued)

B138440      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Angela H.

The January 10, 2000 order terminating appellant's parental rights as to Krystal and Estella is reversed, and the case is remanded to the juvenile court.

Mallano, J.

We concur: Spencer, P.J.  
Ortega, J.

B143589 People (Not for Publication)  
v.  
Rangel

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

B134966 Echavarria (Not for Publication)  
v.  
Ameriquest Mortgage Company et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

### January 30, 2001-Continued

## DIVISION ONE (Continued)

B141444 People (Not for Publication)  
v.  
Jose J.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

DIVISION TWO

B136815 Los Angeles County, D.C.F.S. (Not for Publication)  
B138276 v.  
B138439 Vernon M. & Marion M.

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

[illegible]

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION TWO (Continued)

B137244 Canyon Country Enterprises, Inc. (Not for Publication)  
v.  
C.A. Rasmussen Company

The judgment is affirmed. Respondent(s) to recover costs.

Cooper, J.

We concur: Boren, P.J.  
Nott, J.

B127320 People (Not for Publication)  
v.  
Barnes

The judgment is reversed.

Boren, P.J.

I concur: Todd, J.  
I dissent: Nott, J. (Opinion)

B137923 People (Not for Publication)  
v.  
Padilla et al.

The judgment as to Padilla is affirmed. The judgment as to Rascon is modified to strike the section 12022, subdivision (a) (1) enhancement imposed on county 1, burglary. The superior court is directed to prepare an amended abstract of judgment reflecting the correct six-year sentence, including a stayed section 12022, subdivision (1)(1) enhancement on count 3, assault, and deleting any reference to a section 12022.5, subdivision (a) (1) enhancement. In all other respects, the judgment as to Rascon is affirmed.

Nott, J.

We concur: Boren, P.J.  
Cooper, J.

January 30, 2001-Continued

## DIVISION TWO (Continued)

B143038      People                                  (Not for Publication)  
v.  
Phrachomphonh

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Cooper, J.

B140814      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Patricia B.

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Todd, J.

[illegible]

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Todd, J.



DIVISION TWO (Continued)

B131122      Smiland Paint Company et al.      (Certified for Publication)  
v.  
South Coast Air Quality Management District et al.

The judgment is affirmed.

Nott, Acting P.J.

We concur:    Cooper, J.  
                  Todd, J.

DIVISION THREE

B136486      All-Tex, Inc.  
v.  
Touch Up, Inc.

Filed order denying petition for rehearing.

B133901      Century City Medical Plaza      (Certified for Publication)  
v.  
Sperling, Isaacs & Eisenberg, etc., et al.

The order confirming the original arbitration award of January 19, 1999, and denying confirmation to the Final Award of April 13, 1999, and the resulting judgment thereon, is reversed. The matter is remanded to the trial court with instructions to conduct further proceedings consistent with the views expressed herein in order to determine whether the Final Award of April 13, 1999, should be confirmed and judgment entered thereon. If the trial court determines that Landlord has met its burden of proof as set out herein then confirmation of the Final Award and entry of judgment thereon is required. If, on the other hand, the trial court determines that Landlord has not met its burden, then the order confirming the original award and judgment thereon shall be reentered. Landlord shall recover its costs on appeal.

Croskey, J.

We concur:    Klein, P.J.  
                  Aldrich, J.

DIVISION THREE (Continued)

B134267      James Christian Sims              (Certified for Partial Publication)  
                 v.  
                 Fred M. Charness

The judgment is affirmed. Sims to recover costs on appeal.

Klein, P.J.

We concur:    Croskey, J.  
                 Perluss, J. (Assigned)

B134869      The Hill Medical Corporation              (Certified for Publication)  
                 v.  
                 Wycoff

The judgment is affirmed. Costs on appeal are awarded to Dr. Wycoff.

Aldrich, J.

We concur:    Klein, P.J.  
                 Croskey, J.

B137947      Meredith S. Hale                      (Certified for Publication)  
                 v.  
                 Southern California IPA Medical Group, Inc., et al.

The judgment of dismissal is reversed with directions to enter a new order requiring Hale to furnish security in the aggregate amount of \$50,000 for all moving parties. Hale to recover costs on appeal.

Klein, P.J.

We concur:    Croskey, J.  
                 Aldrich, J.

DIVISION THREE (Continued)

B138343      American Continental  
Insurance Company                      (Certified for Publication)

v.

American Casualty Company of Reading, PA

The judgment is affirmed. American Casualty shall recover its costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                    Aldrich, J.

B136331      People                                      (Certified for Partial Publication)

v.

Allen

The judgment of conviction on count one, auto burglary (Pen. Code, § 459) is reversed. The matter is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur:   Klein, P.J.  
                    Croskey, J.

B138335      Glen Freese                              (Not for Publication)

v.

Harvinder Sandhu et al.

The judgment is reversed. Freese shall recover his costs on appeal.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                    Aldrich, J.

DIVISION THREE (Continued)

B139320 County of Los Angeles (Not for Publication)  
v.  
Frontier Pacific Insurance Company

The judgment is affirmed. Costs on appeal awarded to respondent County of Los Angeles.

Kitching, J.

We concur: Croskey, Acting P.J.  
Aldrich, J.

B136895 Stephen A. Kolodny (Not for Publication)  
v.  
Sherry Deutschman  
Stephen A. Kolodny

The trial court's order denying Kolodny's ex parte application to compel binding arbitration is affirmed. Deutschman is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B141098 Los Angeles County, D.C.F.S. (Not for Publication)  
v.  
Johnny J.

The May 3, 2000 judgment is affirmed. Appeals from all other rulings and judgments are untimely.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

### DIVISION THREE (Continued)

B141240      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Robert B. et al.

The order denying Father's section 388 petition is affirmed. The judgment terminating Mother and Father's parental rights is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B133190 People (Not for Publication)  
v.  
William Little Anderson

The sentence is vacated and the matter is remanded to allow the trial court to reconsider the entire sentence, which may not exceed 26 years to life. The trial court is directed to recalculate the actual days Anderson has spent in custody. This time credit is without prejudice to Anderson's right to receive appropriate behavior and worktime credits for the entire period of his prison confinement. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B131858 People (Not for Publication)  
v.  
Jerry Gonzalez

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

### DIVISION THREE (Continued)

B134640 People (Not for Publication)  
v.  
Drequinn J.

The order of wardship is affirmed in regard to the juvenile court's finding Drequinn resisted arrest (Pen. Code 148, subd.(a)(1). The juvenile court's findings Drequinn committed assault likely to cause great bodily injury (Pen. Code. § 245, subd. (a)(1) and used a deadly or dangerous weapon in the commission of the assault (Pen. Code § 12022, subd. (b)(1) are reversed. We remand the matter to the juvenile court for recalculation of the maximum term of physical confinement.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B130383      People      (Not for Publication)  
v.  
Monte Tierre Russell

The judgment is modified by imposing a \$200, suspended parole revocation fine pursuant to Penal Code section 1202.45. The Clerk of Superior Court, upon issuance of the remittitur, is ordered to correct the abstract of judgment to reflect the imposition of the \$200 suspended parole revocation fine. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FOUR

B138366 Echevarrieta  
v.  
City of Rancho Palos Verdes

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

January 30, 2001-Continued

## DIVISION FOUR (Continued)

B139210      People                         (Not for Publication)  
v.  
Adams

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B138923 Fryer (Not for Publication)  
v.  
Kanes

The judgment is affirmed. Respondent shall receive his costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B135475      Seachris      (Not for Publication)  
v.  
Mirabito

The judgment is affirmed. The order vacating the judgment as to Hall and Gallik is reversed. Mirabito shall have his costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.  
Lewin, J. (Assigned)

### January 30, 2001-Continued

DIVISION FIVE

B134049      People  
v.  
Johnny Howze

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B138879      People                                  (Not for Publication)  
v.  
Roosevelt Watkins

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.

B135118      Rosemary Iloenyosi      (Not for Publication)  
v.  
Service Escrow Company

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.  
Godoy Perez, J.



DIVISION FIVE (Continued)

B137101      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Debra B.  
In re Kelsea B.

The judgment is affirmed.

Godoy Perez, J.

We concur:    Turner, P.J.  
                  Grignon, J.

B135792      Rodrigo Castillo                      (Not for Publication)  
v.  
Ronald Johnson et al.

The judgment is reversed. Plaintiff to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
                  Godoy Perez, J.

B133479      David Zavala                          (Not for Publication)  
v.  
Roman Catholic Archbishop of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
                  Grignon, J.

January 30, 2001-Continued

DIVISION SIX

B135915 People (Not for Publication)  
v.  
Perez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B139715      Henein      (Not for Publication)  
v.  
Duty et al.

The judgment is reversed and remanded for further proceedings consistent with this opinion. Costs are awarded to appellant.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B132012      Downen's, Inc., et al.      (Certified for Publication)  
v.  
City of Hawaiian Gardens Redevelopment Agency

The judgment of the trial court is reversed and the case remanded for an award of reasonable litigation expenses incurred in this action, including those incurred on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION SEVEN

B142425      Kires Distribution, Inc.      (Not for Publication)  
                 v.  
                 Nara Bank

The judgment is affirmed as to KDI and reversed as to Sures. Nara Bank is entitled to its attorney's fees on appeal under the deposit agreement with KDI, in an amount to be determined by the trial court. Each party to bear their own costs.

Neal, J.

We concur:    Lillie, P.J.  
                 Woods, J.